

Declaration For U.S. Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

(Insert Title) PACK STRUCTURE

the specification of which is attached hereto unless the following box is checked:

☒ was filed on July 24, 1998 as United States Application Number 09 / 122,088.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §1 19(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International Application having a filing date before that of the application(s) for which priority is claimed:

<u>NOT YET KNOWN</u>	<u>CANADA</u>	<u>July 23, 1998</u>	Priority Claimed
(Number)	(Country)	(Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S. C. § 1 19(e) of any United States provisional application(s) listed below.

(Application Number) (Filing Date)

(Application Number) (Filing Date)

☐ See attached list for additional prior foreign or provisional applications.

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) (U.S. or PCT) in the manner provided by the first paragraph of 35, U. S.C. § 112, 1 acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(List prior U.S. Applications or PCT International applications designating the U.S.)

(Application Serial No.) (Filing Date) (Status) (patented, pending, abandoned)

(Application Serial No.) (Filing Date) (Status) (patented, pending, abandoned)

And I hereby appoint as principal attorneys Robert B. Murray, Reg. No. 22,980; David T. Nikaido, Reg. No. 22,663; Charles M. Marmelstein, Reg. No. 25,895; George E. Oram, Jr., Reg. No. 27,93 1; Martin S. Postman, Reg. No. 18,570; E. Marcie Emas, Reg. No. 32,13 1; Douglas H. Goldbush, Reg. No. 33,125; Kevin C. Brown, Reg. No. 32,402; Monica Chin Kitts, Reg. No. 36,105; Richard J. Berman, Reg. No. 39,107; King L. Wong, Reg. No. 37,500; Karen K. Costantino, Reg. No. 35, 107; and James A. Poulos, III, Reg. No. 31,714.

Please direct all communications to the following address:

NIKAMO, MARMELSSTEIN, MURRAY & ORAM LLP
Metropolitan Square
655 Fifteenth Street, N.W., Suite 330 - G Street Lobby
Washington, D.C. 20005-5701
(202) 638-5000 Fax: (202) 638-4810

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Melvin S. MOGILInventor's signature: [Signature]Residence: Toronto, CanadaCitizenship: CanadaPost Office Address: 142 Heddington Avenue, Toronto, Canada M5N 2K8Date: Oct 27/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Melvin S. MOGIL

Serial No.: 09/122,088

Filed: July 24, 1998

For: PACK STRUCTURE



ATTN: BOX MISSING PARTS

**SUBMISSION OF SMALL ENTITY DECLARATION AND
REQUEST FOR ACKNOWLEDGEMENT OF SMALL ENTITY STATUS**

Assistant Commissioner for Patents
Washington, D.C. 20231

October 16, 1998

Sir:

Submitted herewith for filing is a Small Entity Declaration for the above-identified application. An acknowledgement of this status is respectfully requested.

In the event that any fees are due with respect to this paper, please charge our Deposit Account No. 14-1060.

Respectfully submitted,

NIKAIDO, MARMELSTEIN, MURRAY & ORAM LLP


Charles M. Marmelstein
Attorney for Applicant
Reg. No. 25,895

Atty. Docket No.: P570-8004

Metropolitan Square
655 15th Street, N. W.
Suite 330 - G Street Lobby
Washington, D. C. 20005-5701
Tel (202) 638-5000
Fax (202) 638-4810

CMM:mmg

Enclosure: Small Entity Declaration

SMALL ENTITY DECLARATION

APPLICANT OR PATENTEE Melvin S. MOGIL

SERIAL NO. 09 / 122,088

☐ PATENT NO. _____

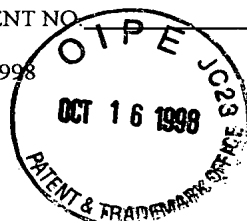
ATTORNEY'S

DOCKET NO. P570-8004

☒ 1. FILED OR ISSUED: Filed July 24, 1998

☐ 2. SUBMITTED HEREWITH

FOR: PACK STRUCTURE



I (we) hereby declare that I (we) am (are) entitled to the benefit of small entity status with respect to the above identified application or patent for purposes of paying reduced fees under 35 U.S.C. § 41 (a) and (b) to the U.S. Patent and Trademark Office.

☐ A. INDEPENDENT INVENTOR

I (we) qualify as (an) independent inventor(s) as defined in 37 C.F.R. 11.9(c).

☐ B. INDIVIDUAL NON-INVENTOR

I (we) would qualify as (an) independent inventor(s) as defined in 37 C.F.R. § 11.9(c) if I had made the invention.

☐ C. SMALL BUSINESS CONCERN

I am ☒ THE OWNER ☒ AN OFFICIAL of the small business concern identified below and am empowered to act on behalf of the concern. The concern qualifies under 37 C.F.R. § 1.9(d) and 13 C.F.R. § 121.3-18. Rights under contract or law have been conveyed to and remain with the concern and are exclusive unless a checkmark is placed here 0. All other rights belong to small entities as defined in 37 C.F.R. § 11.9.

☐ D. NON-PROFIT ORGANIZATION

I am an official empowered to act on behalf of the non-profit organization identified below. The organization qualifies under 37 C.F.R. § 11.911(e), subsection: ☐ (1) ☐ (2) ☐ (3) ☐ (4). Rights under contract or law have been conveyed to and remain with the organization and are exclusive unless a checkmark is placed here ☐. All other rights belong to small entities as defined in 37 C.F.R. § 11.9.

I (we) acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate [37 C.F.R. § 1.28(b)].

I (we) declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

A. INDEPENDENT INVENTORS(S)

B. INDIVIDUAL NON-INVENTOR(S)

Name

Signature

Date

Name

Signature

Date

Name

Signature

Date

C. BUSINESS CONCERN

D. NON-PROFIT ORGANIZATION

CALIFORNIA INNOVATIONS INC.

Name of Concern or Organization

4211 Yonge Street, Suite 610, Willowdale, Ontario M2P 2A9 Canada

Address

By MEL MOGIL
Name of Person Signing

Signature

Title

OCT 7/98
Date